

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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In re:

INDEX RECOVERY COMPANY, LP,

Chapter 11  
Case No. 14-61434-6-DD

Debtor.  
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**SUPPLEMENTAL BALLOT CERTIFICATION  
PURSUANT TO LOCAL RULE 3018-1(b)**

Jeffrey A. Dove, Esq., certifies:

1. I am a shareholder in the firm of Menter, Rudin & Trivelpiece, P.C. counsel to the Debtor-In-Possession (hereinafter "Debtor"). The Debtor is the proponent of the Debtor's Plan of Liquidation under Chapter 11 of the Bankruptcy Code (the "Plan") being considered by this Court for confirmation on December 2, 2014 at 1:00 p.m. I have personally reviewed all ballots filed in relation to the Plan and made the calculations attached hereto.

2. Pursuant to the Court's order of October 29, 2014, a deadline November 25, 2014 at 5:00 p.m., prevailing Eastern Time, was established for delivering ballots voting for or against the Plan.

3. I hereby certify that the chart attached hereto as Exhibit "1" has been updated to reflect the delivery of two (2) ballots to Menter, Rudin & Trivelpiece, P.C., after the ballot deadline of November 30, 2014. Those late filed ballots have not been included in determining the percentage of ballots cast accepting the Debtor's Plan. Attached hereto as Exhibit "2" are copies of all late filed ballots delivered to Menter, Rudin & Trivelpiece, P.C. The originals of the ballots are available for inspection upon request.

4. I fully understand that the Court may rely upon the calculations attached hereto in considering confirmation of the Debtor's Plan.

5. I have served or caused to be served copies of this supplemental certification, revised ballot tabulation chart, and late filed ballots on the United States Trustee, simultaneously with the filing hereof.

Dated: December 1, 2014  
Syracuse, New York

**MENTER, RUDIN & TRIVELPIECE, P.C.**  
*Counsel for Debtor and Debtor in Possession*

By: /s/Jeffrey A. Dove  
Jeffrey A. Dove, Esq. (Bar Roll No. 101532)  
Office and Post Office Address  
308 Maltbie Street, Suite 200  
Syracuse, New York 13204-1439  
Telephone: (315) 474-7541  
Facsimile: (315) 474-4040  
Email: jdove@menterlaw.com

**EXHIBIT “1”**

**EXHIBIT “1”**

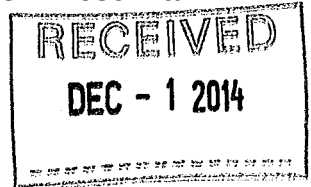
In Re: Index Recovery Company, LP  
Case No. 14-61434-6-DD

**REVISED BALLOT TABULATION CHART**

Creditor Name	Class	Accepts or Rejects	Scheduled Claim Amount	Claim Amount on Ballot	Percent of Dollar Voting	Percent of Ballots Voting
<b>SUBORDINATED UNSECURED CLAIMS</b>	<b>3</b>					
Rogers K. & Mary Lou Coleman	3	ACCEPT	\$590,230.93	\$590,230.93	1.9455%	12.5000%
John P. & Carol A. Davis, JTWROS	3	ACCEPT	\$494,532.91	\$494,532.91	1.6301%	12.5000%
M. Dane Howell	3		\$368.36			
Mace David Howell, III	3		\$534.44			
Jean-Pierre Huberman	3	ACCEPT	\$46,090.05	\$46,090.05	0.1519%	12.5000%
Iowa West Foundation	3		\$1,113.70			
Les Schwab Profit Sharing Retirement Trust	3		\$1,400.49			
Mark Lininger	3	ACCEPT	\$45,322.51	\$45,322.51	0.1494%	12.5000%
Paul J. Mandabach	3	ACCEPT	\$230,655.32	\$230,655.32	0.7603%	12.5000%
Masonic Hall & Asylum Fund	3		\$1,294,361.92			
Masonic Medical Research Laboratory	3		\$3,132,271.06			
Merrill Lynch, Pierce, Fenner & Smith, Inc.	3	ACCEPT	\$28,781,711.48	\$28,781,711.48	94.8698%	12.5000%
Michigan State University Foundation	3		\$990.65			
Rochester Institute of Technology	3	ACCEPT	\$1,001.51	\$1,001.51	0.0033%	12.5000%
Steven M. Mizel Roth IRA	3		\$248,155.05			
The William Penn Foundation	3	ACCEPT	\$4,829.44	\$4,829.44	LATE	LATE
David R. & Catherine S. Vickery	3	ACCEPT	\$143,741.84	\$143,741.84	0.4738%	12.5000%
Washington State University Foundation	3		\$1,052.92			
<b>TOTAL ACCEPTING</b>	<b>3</b>		<b>\$35,018,364.58</b>	<b>\$30,338,115.99</b>	<b>99.9841%</b>	<b>100.0000%</b>
<b>TOTAL REJECTING</b>	<b>3</b>			<b>\$0.00</b>	<b>0.0000%</b>	<b>0.0000%</b>
<b>INTERESTS</b>	<b>4</b>					
Rogers K. & Mary Lou Coleman	4	ACCEPT	\$31,065.88	\$31,065.88	1.8938%	12.5000%
John P. & Carol A. Davis, JTWROS	4	ACCEPT	\$26,031.60	\$26,031.60	1.5869%	12.5000%
M. Dane Howell	4		\$18.11			
Mace David Howell, III	4		\$27.16			
Jean-Pierre Huberman	4	ACCEPT	\$2,428.51	\$46,090.05	2.8097%	12.5000%
Iowa West Foundation	4		\$55.88			
Les Schwab Profit Sharing Retirement Trust	4		\$74.51			
Mark Lininger	4	ACCEPT	\$2,380.89	\$2,380.89	0.1451%	12.5000%
Paul J. Mandabach	4	ACCEPT	\$12,142.55	\$12,142.55	0.7402%	12.5000%
Masonic Hall & Asylum Fund	4		\$68,126.39			
Masonic Medical Research Laboratory	4		\$164,853.75			
Merrill Lynch, Pierce, Fenner & Smith, Inc.	4	ACCEPT	\$1,514,827.24	\$1,514,827.24	92.3445%	12.5000%
Michigan State University Foundation	4		\$55.88			
Rochester Institute of Technology	4	ACCEPT	\$55.88	\$55.88	0.0034%	12.5000%
Steven M. Mizel Roth IRA	4		\$13,059.67			
The William Penn Foundation	4	ACCEPT	\$251.46	\$251.46	LATE	LATE
David R. & Catherine S. Vickery	4	ACCEPT	\$7,562.35	\$7,562.35	0.4610%	12.5000%
Washington State University Foundation	4		\$55.88			
<b>TOTAL ACCEPTING</b>	<b>4</b>		<b>\$1,843,073.59</b>	<b>\$1,640,407.90</b>	<b>99.9847%</b>	<b>100.0000%</b>

**EXHIBIT “2”**

**EXHIBIT “2”**



UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In re:

INDEX RECOVERY COMPANY, LP,

Chapter 11

Case No. 14-61434-6-DD

Debtor.

**BALLOT FOR ACCEPTING OR REJECTING PLAN OF  
LIQUIDATION UNDER CHAPTER 11 OF THE BANKRUPTCY CODE**

**BALLOT FOR VOTING INDEX RECOVERY COMPANY, LP  
CLASS 3 SUBORDINATED UNSECURED CLAIM**

The above-captioned debtor and debtor in possession, (the "Debtor"), has filed its Plan of Liquidation under Chapter 11 of the Bankruptcy Code, dated September 24, 2014 (the "Plan"). The Plan is Exhibit A to the Debtor's Disclosure Statement pursuant to Section 1125 of the Bankruptcy Code, dated September 24, 2014 (the "Disclosure Statement"), which accompanies this Ballot. If you are, as of October 23, 2014, the holder of a Subordinated Unsecured Claim against the Debtor which arose prior to the commencement of such Debtor's chapter 11 case on September 2, 2014 (the "Commencement Date"), please use this Ballot to cast your vote to accept or reject the Plan. The Bankruptcy Court has approved the Disclosure Statement, which provides information to assist you in deciding how to vote on the Plan. Bankruptcy Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court. If you do not have a Disclosure Statement, you may obtain a copy by contacting the Debtor's counsel at the address set forth below.

**IMPORTANT**

You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the classification and treatment of your claim or claims under the Plan. All of your Subordinated Unsecured Claim against the Debtor has been placed in Class 3 under the Plan. If you hold a Class 4 Interest in the Debtor as well, you will receive a separate Ballot to vote that Interest.

**VOTING DEADLINE: 5:00 P. M., PREVAILING EASTERN STANDARD TIME, ON NOVEMBER 25, 2014.**

If your vote is not received by the Debtor's Voting Agent, Menter, Rudin & Trivelpiece, P.C., on or before the Voting Deadline and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

Your ballot must be received by the Voting agent at the following address by the VOTING DEADLINE:

**Menter, Rudin & Trivelpiece, P.C.  
Attn: Jeffrey A. Dove, Esq.  
308 Maltbie Street, Suite 200  
Syracuse, New York 13204-1439**

Ballots will not be accepted by facsimile transmission.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

This Ballot is *not* a letter of transmittal and may *not* be used for any purpose other than to cast votes to accept or reject the Plan.

**HOW TO VOTE**

1. COMPLETE ITEM 1 AND ITEM 2.
2. REVIEW THE CERTIFICATIONS CONTAINED IN ITEM 3.
3. **SIGN THE BALLOT.**
4. RETURN THE BALLOT IN THE PRE-ADDRESSED POSTAGE-PAID ENVELOPE (SO THAT IT IS RECEIVED BEFORE THE VOTING DEADLINE).
5. YOU MUST VOTE THE FULL AMOUNT OF YOUR CLASS 3 SUBORDINATED UNSECURED CLAIM REPRESENTED BY THIS BALLOT *EITHER* TO ACCEPT *OR* TO REJECT THE PLAN AND MAY NOT SPLIT YOUR VOTE.
6. ANY EXECUTED BALLOT RECEIVED THAT (A) DOES NOT INDICATE EITHER AN ACCEPTANCE OR REJECTION OF THE PLAN OR (B) THAT INDICATES BOTH AN ACCEPTANCE AND A REJECTION OF THE PLAN, WILL NOT BE COUNTED.

**Item 1.** *Amount of Subordinated Unsecured Claim Voted.* The undersigned certifies that as of October 23, 2014, the undersigned held a Class 3 Subordinated Unsecured Claim against the Debtor in the following unpaid amount, which arose prior to the Debtor's Commencement Date (insert amount in the box below):

\$ 4,829.44

**Item 2.** **Vote.** The holder of the Class 3 Subordinated Unsecured Claim identified in Item 1 votes as follows (check one box only—if you do not check a box your vote will not be counted; if you check both boxes your vote will not be counted):

☒ to **Accept** the Plan. OR ☐ to **Reject** the Plan.

YOUR RECEIPT OF THIS BALLOT DOES NOT SIGNIFY THAT YOUR CLAIM HAS BEEN OR WILL BE ALLOWED

**Item 3. Certification.** By returning this Ballot, the holder of the Class 3 Subordinated Unsecured Claim identified in Item 1 certifies that (a) this Ballot is the only Ballot submitted for such Class 3 Subordinated Unsecured Claim, (b) it has full power and authority to vote to accept or reject the Plan with respect to the Class 3 Subordinated Unsecured Claim listed in Item 1, (c) it was the holder of the Class 3 Subordinated Unsecured Claim described in Item 1 as of October 23, 2014, and (d) it has received a copy of the Disclosure Statement (including the exhibits thereto) and understands that the solicitation of votes for the Plan is subject to all the terms and conditions set forth in the Disclosure Statement and Plan.

Name of Interest Holder: William Penn Foundation  
(Print or Type)

Social Security or Federal Tax ID. No.: [REDACTED]

Signature: Bruce A. Bergen

Print Name: Bruce A. Bergen

Title: Director, Finance + Administration  
(If Appropriate)

Street Address: Two Logan Square, 100 N. 18<sup>th</sup> St

City, State, Zip Code: Phila Pa 19103

Telephone Number: 215 [REDACTED]

Date Completed: Nov 17, 2014

This Ballot shall not constitute or be deemed a proof of claim or equity interest, an assertion of a claim or equity interest, or the allowance of a claim or equity interest.

**YOUR VOTE MUST BE FORWARDED IN AMPLE TIME FOR YOUR VOTE TO BE RECEIVED BY THE VOTING AGENT, MENTER, RUDIN & TRIVELPIECE, P.C., BY 5:00 P.M., PREVAILING EASTERN STANDARD TIME, ON NOVEMBER 25, 2014, OR YOUR VOTE WILL NOT BE COUNTED.**



RECEIVED  
DEC - 1 2014

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In re:

INDEX RECOVERY COMPANY, LP,

Chapter 11

Case No. 14-61434-6-DD

Debtor.

**BALLOT FOR ACCEPTING OR REJECTING PLAN OF  
LIQUIDATION UNDER CHAPTER 11 OF THE BANKRUPTCY CODE**

**BALLOT FOR VOTING INDEX RECOVERY COMPANY, LP  
CLASS 4 INTEREST**

The above-captioned debtor and debtor in possession, (the "Debtor"), has filed its Plan of Liquidation under Chapter 11 of the Bankruptcy Code, dated September 24, 2014 (the "Plan"). The Plan is Exhibit A to the Debtor's Disclosure Statement pursuant to Section 1125 of the Bankruptcy Code, dated September 24, 2014 (the "Disclosure Statement"), which accompanies this Ballot. If you are, as of October 23, 2014, the holder of a Class 4 Interest in the Debtor which arose prior to the commencement of such Debtor's Chapter 11 case on September 2, 2014 (the "Commencement Date"), please use this Ballot to cast your vote to accept or reject the Plan. The Bankruptcy Court has approved the Disclosure Statement, which provides information to assist you in deciding how to vote on the Plan. Bankruptcy Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court. If you do not have a Disclosure Statement, you may obtain a copy by contacting the Debtor's counsel at the address set forth below.

**IMPORTANT**

**You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the classification and treatment of your Interest under the Plan. All of your Interest in the Debtor has been placed in Class 4 under the Plan. If you hold a Class 3 Subordinated Unsecured Claim against the Debtor as well, you will receive a separate Ballot to vote that Claim.**

**VOTING DEADLINE: 5:00 P. M., PREVAILING EASTERN STANDARD TIME, ON NOVEMBER 25, 2014.**

**If your vote is not received by the Debtor's Voting Agent, Menter, Rudin & Trivelpiece, P.C., on or before the Voting Deadline and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.**

**Your ballot must be received by the Voting Agent at the following address by the VOTING DEADLINE:**

**Menter, Rudin & Trivelpiece, P.C.  
Attn: Jeffrey A. Dove, Esq.  
308 Maltbie Street, Suite 200  
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2. REVIEW THE CERTIFICATIONS CONTAINED IN ITEM 3.
3. **SIGN THE BALLOT.**
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5. YOU MUST VOTE THE FULL AMOUNT OF YOUR CLASS 4 INTEREST REPRESENTED BY THIS BALLOT *EITHER* TO ACCEPT *OR* TO REJECT THE PLAN AND MAY NOT SPLIT YOUR VOTE.
6. ANY EXECUTED BALLOT RECEIVED THAT (A) DOES NOT INDICATE EITHER AN ACCEPTANCE OR REJECTION OF THE PLAN OR (B) THAT INDICATES BOTH AN ACCEPTANCE AND A REJECTION OF THE PLAN, WILL NOT BE COUNTED.

**Item 1.** *Amount of Class 4 Interest Voted.* The undersigned certifies that as of October 23, 2014, the undersigned held a Class 4 Interest the Debtor in the following amount which amount has not been redeemed, and which arose prior to the Debtor's Commencement Date (insert amount in the box below):

\$ 251.46

**Item 2.** **Vote.** The holder of the Class 4 Interest identified in Item 1 votes as follows (check one box only - if you do not check a box your vote will not be counted; if you check both boxes your vote will not be counted):

☒ to **Accept** the Plan.

OR

☐ to **Reject** the Plan.

YOUR RECEIPT OF THIS BALLOT DOES NOT SIGNIFY THAT YOUR CLAIM HAS BEEN OR WILL BE ALLOWED

**Item 3. Certification.** By returning this Ballot, the holder of the Class 4 Interest identified in Item 1 certifies that (a) this Ballot is the only Ballot submitted for such Class 4 Interest, (b) it has full power and authority to vote to accept or reject the Plan with respect to the Class 4 Interest listed in Item 1, (c) it was the holder of the Class 4 Interest described in Item 1 as of October 23, 2014, and (d) it has received a copy of the Disclosure Statement (including the exhibits thereto) and understands that the solicitation of votes for the Plan is subject to all the terms and conditions set forth in the Disclosure Statement and Plan.

Name of Interest Holder: William Penn Foundation  
(Print or Type)

Social Security or Federal Tax ID. No.: [REDACTED]

Signature: Bruce A. Bergen

Print Name: Bruce A. Bergen

Title: Director, Finance + Administration  
(If Appropriate)

Street Address: Two Logan Square, 100N 18<sup>th</sup> St

City, State, Zip Code: Phila, Pa 19103

Telephone Number: 215 [REDACTED]

Date Completed: Nov 17, 2014

This Ballot shall not constitute or be deemed a proof of claim or equity interest, an assertion of a claim or equity interest, or the allowance of a claim or equity interest.

**YOUR VOTE MUST BE FORWARDED IN AMPLE TIME FOR YOUR VOTE TO BE RECEIVED BY THE VOTING AGENT, MENTER, RUDIN & TRIVELPIECE, P.C., BY 5:00 P.M., PREVAILING EASTERN STANDARD TIME, ON NOVEMBER 25, 2014, OR YOUR VOTE WILL NOT BE COUNTED.**